

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLIAM HELMER,

Plaintiff,

Case No. 09-11697

v.

Honorable Patrick J. Duggan

BRIAN GUEST, KATHLEEN SOLOMON,  
OSCODA COUNTY, KEVIN GRACE,  
DAVE STENZEL, ED POKRZYWNICKI,  
and RONALD NIGHTINGALE,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR SANCTIONS**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on July 14, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On May 4, 2009, William Helmer ("Plaintiff"), a state prisoner currently incarcerated at the Bellamy Creek Correctional Facility in Ionia, Michigan, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Presently before the Court is Plaintiff's motion for sanctions, filed on June 16, 2011 pursuant to Federal Rule of Civil Procedure 11. For the reasons stated below, the Court denies Plaintiff's motion.

Plaintiff asserts that Defendants<sup>1</sup> have made false statements in documents filed with

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<sup>1</sup> Plaintiff's motion does not state which Defendants it is directed toward, but the motion cites allegedly false statements in motions filed by Defendants Guest and Solomon. The Court therefore presumes that the motion is directed toward these Defendants.

this Court, in violation of Federal Rule of Civil Procedure 11(b). Plaintiff claims that Defendants have repeatedly stated that his criminal case number 09-005-FY was dismissed pursuant to a plea agreement obtained in case number 08-1035-FC. Plaintiff claims that the case was dismissed absent any plea agreement. Plaintiff seeks sanctions of \$500 from each Defendant and requests that each Defendant admit that case number 09-005-FY was not dismissed pursuant to a plea agreement.

By signing a motion, an attorney or party certifies to the best of his knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, that the factual contentions in the motion have evidentiary support or will likely have such support after a reasonable opportunity for further investigation or discovery. Fed. R. Civ. P. 11(b). Defendants note that the district court order granting the prosecutor's motion of *nolle prosequi* provides that the case was dismissed "[p]ursuant to plea agreement in 23rd Circuit Court File #08-1035-FC." See Pl.'s Mot. 8. Plaintiff asserts that this document is inaccurate, but Defendants' assertions clearly have some degree of evidentiary support. The Court therefore cannot conclude that Defendants have violated Rule 11(b)(3).

The Court also notes that the precise reason for the dismissal of case number 09-005-FY is not at issue in this suit. Plaintiff's remaining claims include a claim of malicious prosecution against Defendant Nightingale and excessive force claims against Defendants Guest, Pokrzywnicki, and Stenzel. The dismissal of case number 09-005-FY is not at all relevant to these claims. The Court believes that no further time need be spent resolving such matters.

Accordingly,

**IT IS ORDERED** that Plaintiff's Motion for Sanctions is **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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